

Amendment No. 1 to HB1157

Sexton C  
Signature of Sponsor

**AMEND Senate Bill No. 1266**

**House Bill No. 1157\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-301, is amended by adding the following as a new subdivision to be appropriately designated:

( ) "Certificate holder" means a medical doctor licensed under chapter 6 of this title; an osteopathic physician licensed under chapter 9 of this title; an advanced practice nurse licensed under chapter 7 of this title, who meets the requirements contained in § 63-7-126; or a physician assistant licensed under chapter 19 of this title, who practices in this state with an unrestricted, unencumbered license. Anyone with an ownership interest in a pain management clinic shall be eligible to be the certificate holder;

SECTION 2. Tennessee Code Annotated, Section 63-1-301, is further amended by adding the following as a new subdivision to be appropriately designated:

( ) "Medical director" means an individual who:

(A) Is licensed as a physician under chapter 6 or 9 of this title, and who practices in this state with an unrestricted, unencumbered license;

(B) Provides oversight relative to the operations of a pain management clinic; and

(C) Is a pain management specialist on or after July 1, 2016;

SECTION 3. Tennessee Code Annotated, Section 63-1-301, is further amended by adding the following as a new subdivision to be appropriately designated:

( ) "Pain management specialist" means a physician licensed under chapter 6 or 9 of this title who:

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(A)

(i) Has a subspecialty certification in pain medicine as accredited by the Accreditation Council for Graduate Medical Education (ACGME) through either the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA), or is eligible to sit for the board examination offered by ABMS or AOA;

(ii) Holds an unencumbered Tennessee license; and

(iii) Maintains the minimum number of continuing medical education (CME) hours in pain management to satisfy retention of ABMS or AOA certification. Any exceptions to this requirement shall be approved by the respective regulatory board;

(B)

(i)

(a) Attains American Board of Pain Medicine (ABPM) diplomate status;

(b) Holds an unencumbered Tennessee license; and

(c) Maintains the minimum number of CME hours in pain management to satisfy retention of ABPM diplomate status. Any exceptions to this requirement shall be approved by the respective regulatory board; or

(ii) Qualifies as a current pain management specialist, who is qualified to take the ABPM exam and is permitted to continue to practice as a pain management specialist until July 1, 2016, when diplomate status will be required;

(C) Is board certified by the American Board of Interventional Pain Physicians (ABIPP) by passing exam 1 by July 1, 2017, and holds an unencumbered Tennessee license and maintains the minimum number of CME hours in pain management to satisfy retention of ABIPP diplomate status; or

(D) Has an active pain management practice in a clinic accredited in outpatient interdisciplinary pain rehabilitation by the commission on accreditation of rehabilitation facilities or any successor organization and holds an unencumbered Tennessee license.

SECTION 4. Tennessee Code Annotated, Section 63-1-306(a), is amended by designating the existing language as subdivision (1) and adding the following:

(2) In addition to the requirements of subdivision (a)(1), each physician serving as a medical director at a pain management clinic shall be a pain management specialist as defined in this part.

(3) All advanced practice nurses licensed under chapter 7 of this title and physician assistants licensed under chapter 19 of this title, who practice in a certified pain clinic, shall be supervised by a pain medicine specialist as defined in this part.

SECTION 5. Tennessee Code Annotated, Section 63-1-306(c), is amended by deleting the subsection and substituting instead the following:

(1) Every pain management clinic shall submit an application to the department on a form prescribed by the department for a certificate to operate the clinic. A certificate may be awarded to a certificate holder. The certificate holder shall be one (1) of the owners of the clinic.

(2) A completed form for a certificate prescribed by the department shall show proof that the clinic has a medical director who is a pain management specialist as defined in this part.

SECTION 6. Tennessee Code Annotated, Section 63-1-401, is amended by deleting the section and substituting instead the following:

(a) As used in this part:

(1) "Commissioner" means the commissioner of health;

(2) "Pain clinic guidelines" means systematically developed standards to assist healthcare providers and pain clinic certificate holders in making decisions concerning the appropriate medical care for chronic non-malignant pain treatment, as defined in § 63-1-301; and

(3) "Treatment guidelines" means systematically developed statements to assist healthcare providers in making patient decisions concerning appropriate medical care for specific clinical circumstances and settings.

(b) By January 1, 2016, the commissioner shall develop recommended treatment guidelines for prescribing opioids that can be used by prescribers in this state as a guide for caring for patients. This subsection (b) shall not apply to veterinarians.

(c) By January 1, 2017, the commissioner shall develop recommended pain clinic standards for the operation of a pain management clinic, as defined in § 63-1-301, that can be used by certified pain clinics in this state as a guide for operating a pain clinic. This subsection (c) shall not apply to veterinarians.

(d) The commissioner shall review treatment guidelines and the pain clinic guidelines by September 30 of each year and shall cause these guidelines to be posted on the department's web site.

(e) The treatment guidelines shall be submitted to each prescribing board that licenses health professionals who can legally prescribe controlled substances and to the

board of pharmacy. Each board shall be charged with reviewing the treatment guidelines and determining how the treatment guidelines should be used by that board's licensees.

(f) The pain clinic guidelines shall be submitted to each board that licenses individuals eligible to hold a pain clinic certificate for review and concurrence.

(g) Each board shall notify all of its licensees through routine bulletins or newsletters of the existence of the guidelines and standards.

SECTION 7. This act shall take effect July 1, 2015, the public welfare requiring it.